

Application No. 10/053,720
Amendment dated January 3, 2005
Reply to Office Action mailed on September 2, 2004

REMARKS/ARGUMENTS

Response is hereby made to the Office Action mailed on September 2, 2004. Claims 1 and 24 are amended.

Allowance of Claims 12, 13 and 21-23

Claims 12, 13 and 21-23 were allowed.

Rejection under 35 U.S.C. 112

Claims 1-5, 8-11, 14-15 and 24 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Rejection under 35 U.S.C. 102

Claims 1, 4-7, 15, 24 and 25 were rejected under 35 U.S.C. 102(b) as being anticipated by Hoyt (US 474,662).

Rejection under 35 U.S.C. 103(a)

Claims 1-7, 14, 15, 24 and 25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hoyt in view of King (US 3,596,759) and legal precedent.

Allowable Subject Matter

Claims 8-11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph and to include all of the limitations of the base claim and any intervening claims.

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Claims 1-7 have been cancelled.

Claim 8 was amended to overcome the rejection under 35 U.S.C. 112, 2nd paragraph and rewritten in independent form including all of the limitations of the base claim and any intervening claims and should be allowable.

Claims 9-11 should be allowable as being dependent upon allowable claim 8.

Claims 12 and 13 were allowed.

Claims 14-16 were cancelled.

Claims 17-20 were cancelled in a previous amendment.

Claims 21-23 were allowed.

Claims 24 was cancelled.

Claim 25 was amended to overcome the previous rejections. Accordingly, it should be allowable because nothing in the cited references teaches, discloses or suggests inter alia the elements of this claim.

New Claims 26-28

New claims 26-28 should be allowable as being dependent on allowable claim 25. Further, they should be allowable because nothing in the cited references teaches, discloses or suggests inter alia the elements of those claims.

Benefit under 35 U.S.C. 119(e)

Applicant claimed the benefit under 35 U.S.C. 119(e) of the United States provisional application

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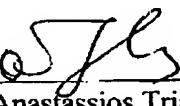
number 60/262546 filed on January 17, 2001. The Examiner did not acknowledge that benefit because allegedly the provisional application was filed on January 16, 2001. Applicant respectfully submits that the correct filing date of that provisional application is January 17, 2001 and will file appropriate petition requesting acknowledgment of that claim.

Applicant requests for an extension of time of one month to make this response timely and an extension fees therefor is being paid by credit card payment herewith..

In view of the foregoing, Applicant respectfully submits that the application is in condition for allowance and that a timely Notice of Allowance be issued in this case. The Examiner is invited to telephone the undersigned at the telephone number listed below if it would in any way advance prosecution of this case.

Respectfully submitted.

Dated: Jan. 3, 2005

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